

The Every Student Succeeds Act (ESSA)

What's Changed, What Hasn't, and What We Don't Know (Yet)¹

I. ASSESSMENTS

What's Changed (NCLB vs. ESSA)	What Hasn't Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> • States have new flexibility in meeting annual testing requirements: <ul style="list-style-type: none"> ○ For each tested subject, states can use a single summative assessment or multiple interim assessments that produce a single summative score. ○ States can administer computer-adaptive assessments. ○ Funding opportunity for statewide assessment audits with the goal of streamlining testing. States can implement a cap on aggregate testing time.² ○ Up to seven states will be permitted to pilot competency-based assessments. • Districts – with state permission – can implement an alternative, nationally-recognized high school level assessment, provided that the assessment is aligned to state standards. • Tighter standards for administration of an alternate assessment: One percent cap for alternate assessments limited to students with “significant cognitive disabilities.” Requires local education agencies (LEAs) exceeding this cap to notify the 	<ul style="list-style-type: none"> • Preserves annual testing in mathematics and English language arts in grades 3-8 and once in high school. Science assessments must also be given at least once in each grade span (grades 3-5, 6-8, and 10-12). States continue to have authority to develop assessments in other content areas. • States and districts receiving Title I-A funds must participate in the administration of the NAEP in grades 4 and 8. • Requires states to provide reasonable adaptations and accommodations for students with disabilities.

¹ **Note:** The changes noted in this crosswalk are broad highlights of ESSA, and further guidance and regulation from the U.S. Department of Education will impact the specific implementation requirements of the law. This document also includes information compiled from a number of sources, including the final text of ESSA, CCSSO's *ESEA Implementation Considerations* documents, ASCD's *Every Student Succeeds Act: Comparison of the No Child Left Behind Act to the Every Student Succeeds Act*, and *EdWeek's "Inside the Every Student Succeeds Act"* (2015-16). Please see p. 9 for a list of additional ESSA resources.

² In October 2015, the White House and U.S. Department of Education issued a “Testing Action Plan” for states and districts that identified opportunities for limiting time spent on assessments. In April 2016, the Department announced competitive grants and provided additional guidance in this area. See [USDE press release](#) for more information.

What’s Changed (NCLB vs. ESSA)	What Hasn’t Changed (NCLB vs. ESSA)
<p>state education agency (SEA), and requires SEAs to provide additional oversight of these districts.³</p> <ul style="list-style-type: none"> • While ESSA preserves a 95 percent testing participation rate, <u>states are required to notify parents of students’ right to not participate</u> (as applicable by state law). States will need to determine how the 95 percent participation requirement will factor into statewide accountability systems. Similarly, LEAs will need to address how they will meet those requirements within their own plans. • Requires “challenging” academic standards in math, English language arts, and science. States are required under ESSA to align these standards to public postsecondary credit-bearing courses. • Moves accountability for English learners into Title I. Test participation for English learners can be phased in. 	

What We Don’t Know (Yet):

- What additional guidance might be available with respect to 95 percent participation rate?
- Will states be required to provide evidence that standards are aligned to postsecondary credit-bearing courses? What constitutes evidence?

Resources

- U.S. Department of Education, *Every Student Succeeds Act (ESSA)*, [Negotiated Rulemaking Committee Materials](#).
- *ESSA & Assessments: A Summary*, Johns Hopkins Institute for Education Policy, March 2016. (CCSSO resource, provided separately to stakeholders)

³ **Note:** Draft regulations published as part of the negotiated rulemaking committee’s work in April 2016 indicate that there may be state-level waivers in this area.

2. ACCOUNTABILITY

Timeline:

States’ ESEA flexibility waivers expire on August 1, 2016. States must still continue to support priority and focus schools (NCLB designation for lowest performing schools) until the new statewide accountability system – proposed via the State Plan – goes into effect. ESSA’s accountability and school improvement requirements go into effect for the 2017-18 school year.

What’s Changed (NCLB vs. ESSA)	What Hasn’t Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> • Elimination of Adequate Yearly Progress (AYP) and the 100 percent proficiency requirement. • Elimination of Annual Measurable Achievement Objectives (AMAOs) for English language learners. • Federal government can no longer prescribe any aspect of states’ accountability systems, including indicators, weighting, and differentiation methodology. • Federal government can no longer prescribe specific school improvement/turnaround models or interventions. • States must establish both short- and long-term goals for student achievement. • Performance of each subgroup must be measured separately, eliminating so-called “super subgroups.” • State accountability systems must incorporate both academic outcomes and students’ learning opportunities:⁴ <ul style="list-style-type: none"> ○ Elementary and middle schools must consider achievement on state tests, another academic outcome (like growth), and English language proficiency. ○ High schools must consider achievement on statewide tests, graduation rates, and English language proficiency (for students who are still learning the language). 	<ul style="list-style-type: none"> • Standardized assessments must still factor into state accountability systems. • Requirements to disaggregate student data still exist: <ul style="list-style-type: none"> ○ Economically disadvantaged; ○ Limited English language proficiency; ○ Students with disabilities; and ○ Major racial/ethnic groups. • States must still identify schools that are underperforming; however, states have greater flexibility in determining criteria, interventions, supports, and exit criteria. • Districts are allowed to provide students in underperforming schools the opportunity to transfer to another public school in the district, if permitted by state, but no longer requires parental notification around this option (unless required by state law). • States must still implement more rigorous actions for chronically struggling schools, but states have greater autonomy in determining those actions and criteria (previously prescribed at federal level under NCLB).

⁴ Adapted from Alyson Klein, [Topic - Every Student Succeeds Act](#), Education Writers Association.

What’s Changed (NCLB vs. ESSA)	What Hasn’t Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> ○ States must choose at least one other factor that addresses students’ opportunity to learn (e.g., teacher engagement, student engagement, access to advanced coursework, or school climate/safety). ○ Each factor has to be of “substantial” weight, and academic factors have to carry a “much greater” weight as a group than the non-academic factors. <ul style="list-style-type: none"> ● ESSA eliminates the corrective actions and interventions of NCLB as well as the School Improvement Grant (SIG) program. The new law provides much greater authority and flexibility to states in determining the criteria to identify underperforming schools. ESSA creates two broad categories of identification for low-performing schools:⁵ <ul style="list-style-type: none"> ○ Comprehensive Support and Improvement: States must identify Title I schools that fall in the bottom five percent of performers, all public high schools in which fewer than 67 percent of students graduate, and Title I schools in which any subgroup, on its own, would be identified as following in the lowest-performing five percent and has not improved in a number of years. Districts must devise “evidence based” plans to implement in those schools and states must keep track of progress. If a school does not demonstrate progress for a period of years (no more than four), the state must apply more rigorous interventions. ○ Targeted Support and Improvement: States are required to identify any public schools in which subgroups of students are “consistently underperforming.” Schools must create an evidence-based plan to implement, and districts must monitor their efforts. If the subgroup continues to struggle, the school may be identified for Comprehensive Support and Improvement. 	

⁵ Adapted from Alyson Klein, [Topic - Every Student Succeeds Act](#), Education Writers Association.

What We Don't Know (Yet):

- Definition of “substantial” and “much greater” weight for academic vs. non-academic factors used in state accountability systems.

Resources

- Channa M. Cook-Harvey and Elizabeth Leisy Stosich, [*Redesigning School Accountability and Support: Progress in Pioneering States*](#), Learning Policy Institute and Stanford Center for Opportunity Policy in Education (2016).
- Evie Blad, [“ESSA Law Broadens Definition of School Success.”](#) *Education Week*, January 5, 2016.
- Alyson Klein, [“Report: Teachers in SIG Schools Worried About Sustaining Improvement.”](#) *Education Week*, April 14, 2016.
 - [Case Studies of Schools Receiving School Improvement Grants: Final Report](#). U.S. Department of Education, April 2016.

3. EDUCATOR CERTIFICATION

What's Changed (NCLB vs. ESSA)	What Hasn't Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> • Eliminates the “highly qualified teacher” (HQT) requirements of NCLB. • Updates the definition of professional development to ensure personalized, ongoing, job-embedded activities that are: <ul style="list-style-type: none"> ○ Available to all school staff, including paraprofessionals; ○ Part of broader school improvement plans; ○ Collaborative and data-driven; ○ Developed with educator input; and ○ Regularly evaluated. • Establishes “Teacher and School Leader Academies.” <ul style="list-style-type: none"> ○ States are permitted to fund teacher preparation academies using the state’s share of Title II funds. These academies must be authorized by a state authorizer and can be operated by nonprofit or public entities, including institutions of higher education. ○ Completion of a teacher academy program of study would be permitted to be recognized as the equivalent of a master’s degree (if the state wants to convey such recognition). Constraints on faculty holding advanced degrees, requirements for faculty to conduct research, and number of course credits are not permitted. • Permits use of allowable funds by LEAs to establish teacher residency programs and teacher preparation program improvements. • Expands access to “evidence based” professional development under Title II to include teachers of all subjects (not just core subjects as under NCLB) as well as school leaders, administrators, and other school staff. <ul style="list-style-type: none"> ○ Swaps NCLB terminology of “scientifically based” with ESSA terminology of “evidence based.” 	<ul style="list-style-type: none"> • Requires state plans provide assurance that all teachers and paraprofessionals working in programs supported by Title I-A funds meet state certification and licensure requirements. <ul style="list-style-type: none"> ○ Note: Pennsylvania’s certification and licensure requirements are largely reflective of HQT and will need review post-ESSA. • Maintains the NCLB requirement that schools receiving Title I-A funds ensure that poor and minority children are not taught by “ineffective, out-of-field, or inexperienced” teachers at higher rates than other children (also known as “Equitable Access to Excellent Educators”). The law does not define these terms, and indicates that states must detail the measures used to “evaluate and publicly report the progress” of the state. States are not required, however, to “develop or implement a teacher, principal, or other school leader evaluation system.” ESSA replaces “unqualified” language of NCLB with “ineffective.” • ESSA maintains the Teacher Quality Partnerships Grant Program (teacher-preparation initiative), and the existing Teacher Incentive Fund is expanded to include school leaders and renamed the Teacher and School Leader Innovation Program.

What's Changed (NCLB vs. ESSA)	What Hasn't Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> • Changes Title II formula and allowable uses of funds: <ul style="list-style-type: none"> ○ Changes the Title II formula to 20 percent based on school-age population and 80 percent based on school-age population living in poverty, phased in over four years. <ul style="list-style-type: none"> ▪ Current formula allocates Title II funds to states based on 35 percent of a state's school-age population and 65 percent of its school-age population living in poverty. ○ Allows the use of Title II funds to reform certification systems; improve alternate routes to certification; and improve recruitment and retention of teachers, principals, and school leaders, among other activities. ○ New funding for training teachers in literacy and STEM. 	

What We Don't Know (Yet):

- What impact will Title II funding formula changes have on Pennsylvania's future allocations?
- While ESSA provides more flexibility in the use of Title II funds to support teacher preparation programs, the Higher Education Act (HEA) is the primary federal law regulating states' teacher preparation efforts. The U.S. Department of Education's final regulations governing teacher preparation program quality under HEA are still pending.
 - While not final, draft HEA regulations contemplate a requirement that states hold teacher preparation programs accountable for their graduates' performance in the classroom, including a measure of students' learning growth. This requirement would apply to both traditional IHE programs and alternative programs, such as the academies and residency programs permitted by ESSA.

Resources

- AIR, [Take Action Toward Equity With Comprehensive Talent Development](#).
- [Negotiated Rulemaking for Higher Education 2011 – Team I, Teacher Preparation Issues](#), U.S. Department of Education.
- Stephen Sawchuk, [“Bid to Spike Federal Teacher-Preparation Regs Fails.”](#) *Education Week*, December 16, 2015.
- Stephen Sawchuk, [“U.S. Rules Aim to Heighten Tracking of Ed. Schools' Performance.”](#) *Education Week*, November 25, 2014.

4. EDUCATOR EVALUATION

What’s Changed (NCLB vs. ESSA)	What Hasn’t Changed (NCLB vs. ESSA)
<ul style="list-style-type: none"> • ESSA eliminates the requirement that states establish teacher evaluation systems based in significant part on students’ performance on statewide assessments. <ul style="list-style-type: none"> ○ While not a component of the original NCLB, this requirement first appeared in the eligibility rules for the Obama Administration’s Race to the Top grant funding. Later, it became a key requirement of ESEA flexibility waivers. ○ States may develop and implement teacher and principal evaluation systems. • As detailed in the “Educator Certification” section, the requirement for HQT is eliminated. 	<ul style="list-style-type: none"> • While not directly tied to evaluation, ESSA continues to allow the use of Title II grants to reduce class size, but only “to evidence-based levels.” <ul style="list-style-type: none"> ○ Currently, about a third of Title II funds are spent on hiring teachers to reduce class size.⁶

What We Don’t Know (Yet):

- While many states have suspended the use of student performance on standardized assessments as part of teacher evaluation systems, none have altogether eliminated the use of scores in teacher evaluation systems.⁷

Resources

- Kaylan Connally and Melissa Tooley, [Beyond Ratings: Re-envisioning State Teacher Evaluation Systems as Tools for Professional Growth](#), New America Foundation, March 2016.
- [State Actions to Advance Teacher Evaluation](#), Southern Regional Education Board (SREB), February 2016.

⁶ U.S. Department of Education, [Findings from the 2014-15 Survey on the Use of Funds under Title II, Part A](#).

⁷ Kaylan Connally, [“How Will ESSA Influence States’ Teacher Quality Efforts?”](#) New America EdCentral.

5. OTHER RESOURCES

- [Full text of the Every Student Succeeds Act \(ESSA\).](#)
- [Full text of the Elementary and Secondary Education Act \(ESEA\) as amended by ESSA.](#)
- U.S. Department of Education, [Every Student Succeeds Act \(ESSA\) web page.](#)
- U.S. Department of Education, [Every Student Succeeds Act \(ESSA\), Law & Guidance – Elementary & Secondary Education.](#)
 - Includes information and materials related to the ESSA Negotiated Rulemaking process.
- [Transitioning to the Every Student Succeeds Act \(ESSA\): Frequently Asked Questions](#), U.S. Department of Education, May 2016.
- Pennsylvania Department of Education, [Every Student Succeeds Act web page.](#)
- CCSSO, [Frequently Asked Questions Regarding Implementation of the Every Student Succeeds Act](#), February 16, 2016.
- Alyson Klein, “ESEA Reauthorization: The Every Student Succeeds Act Explained,” *Education Week*, November 30, 2015.
- National Conference of State Legislatures (NCSL) – [ESSA Summary](#)
- Committee for Education Funding – [ESSA Funding Cheat Sheet](#)
- AASA [Cheat Sheet on ESSA](#)